Municipal Construction of Auditorium.—In view of the apparently growing inclination of cities to give municipal aid to the erection of structures designed for auditorium purposes, we call attention to the recent holding of the Supreme Court of Colorado in City and County of Denver *v.* Hallett, 83 Pacific Reporter, 1066. The court there declares that Colorado Constitution, 120, granting home rule to the city of Denver, and providing that the people in the city shall always have the exclusive power of making, altering, revising, or amending their charter, bestowed upon the people all the power possessed by the Legislature, so that they were authorized to provide by charter for the erection of an auditorium, to purchase a site therefor, and to issue bonds to discharge the indebtedness arising from its construction.

Easement in Party-Wall.—A decision which conforms to the principles which govern the holdings concerning party-walls, although the facts are a trifle peculiar, is contained in Jackson *v.* Bruns, 106 Northwestern Reporter, 1. In this case it is held that the owner of the second story of a building has no equitable right to compel the owner of the first story to keep the foundation and walls of the first story in repair for the purpose of furnishing continuing support to the second story in the absence of any express or implied contract on the part of the owner of the first story to do so.

Application of Game Laws.—A very far reaching holding concerning the effect and application of the game laws is contained in People ex rel. Hill *v.* Hesterberg, 76 Northeastern Reporter, 1032, where it is in effect held that New York laws, prohibiting the possession of certain game birds during the closed season, apply to game birds which are not of the same variety as those known by the same name in New York and which were in fact imported from foreign countries.

Primary Election Statutes.—Various provisions of the Illinois primary election law are declared to be unconstitutional in People *v.* Board of Commissioners of Chicago, 77 Northeastern Reporter, 321.

provision that in a senatorial district, consisting of two counties, not more than two persons of the same political party, that is, one candidate for Senator and one for Representative, shall be nominated from any one county, is held in conflict with the constitutional provision merely requiring that Senators and Representatives shall be residents of the district. Other provisions to the effect that in Cook county no party may hold a primary election unless it cast 20 per cent. of the vote at the last election for President, while outside that county a party which cast 10 per cent. may hold a primary election, and that outside of Cook county a person may vote at the primaries by stating his present party affiliations, while in Cook county he cannot so vote if he has voted at the primary election of another

party within two years, are declared to be void because special legislation and interfering with the freedom of voters.

Sale of Pledged Stock.—In Content *v.* Banner, 76 Northeastern Reporter, 913, the New York Court of Appeals, reversing both the trial court and the appellate division, holds that, where a stockbroker advances all the money and buys securities for a customer, a written notice to the customer to take up the securities so bought or supply margins for carrying them, and stating that unless he does so before a certain date the broker will sell the stock for his account and hold him responsible for the amount, is defective, where it contains no statement as to the time or place of the sale, and that in the absence of any agreement dispensing with notice, a sale on the "curb" constitutes a conversion though the customer has failed to respond on the date stated.

Construction of Anti-Trust Statute.—The anti-trust statute of Texas, requiring every railroad to furnish reasonable and equal facilities for all corporations engaged in the express business, and defining a trust as a combination of capital, skill, or acts of two or more persons to create or carry out restrictions in the free pursuit of any business, is construed in State *v.* M., K. & T. Ry. Co. of Texas, 91 Southwestern Reporter, 214, as prohibiting a contract between a railroad company and an express company whereby the latter was given exclusive privileges, and the former bound itself not to contract with others to do an express business on the road, and agreed that in case privileges should be accorded others by legislation or judicial proceedings the express company in question should have credit for the sums paid by other companies.

Vagrancy as Cause for Divorce.—The St. Louis Court of Appeals delivers a very comforting decision in Gallemore *v.* Gallemore, 91 Southwestern Reporter, 406. A provision of the Missouri Statutes declaring that every able bodied man who shall neglect or refuse to support his family shall be deemed a vagrant, and that when the husband shall be guilty of such conduct as to constitute him a vagrant the wife shall be entitled to a divorce, is construed, and it is held that where a physician of good habits endeavored to establish a practice, maintained an office where he waited for patients, and attended to such calls as he had, contributing his entire income from his practice to the support of his wife and himself, he was not a vagrant within the meaning of the statute, though he did not succeed in earning enough to support his wife and himself, and she was compelled to contribute to their support from her separate means.

Transfer and Inheritance Tax.—The doctrine that the right to take property by devise is a creature of law and not a natural right is